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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,131	03/15/2001	Takumi Hasegawa	NEC2120-US	4638
21254	7590	03/03/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			KOSOWSKI, ALEXANDER J	
			ART UNIT	PAPER NUMBER
			2125	5

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/808,131

Applicant(s)

HASEGAWA, TAKUMI

Examiner

Alexander J Kosowski

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1,2 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

- 1) Claims 1-8 are presented for examination.

#### *Specification*

- 2) The disclosure is objected to because of the following informalities:

Referring to Page 1, line 21, the phrase "for collection problem part" should read --for collection of a problem part--.

Appropriate correction is required.

#### *Claim Objections*

- 3) Claims 1 and 2 and 4 are objected to because of the following informalities:

Referring to claim 1, line 8, the phrase "first means detecting that" should read --first means detects that--.

Referring to claim 2, the phrase "including character information" should read --includes character information--.

Referring to claim 4, line 9, the phrase "first means detecting that" should read --first means detects that--.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

- 4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5) Claims 1-2, 5 and 7 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kagawa et al (U.S. Pat 5,687,094).

Referring to claim 1, Kagawa teaches an apparatus with first means for detecting whether a modification to a bug exceeds a pre-established criterion (col. 5 lines 22-39 and col. 8 lines 5-19), and second means for collecting and recording a bug information corresponding to said modification when said first means detects that said modification exceeds said pre-established criterion (col. 5 lines 15-21 and lines 41-56).

Referring to claim 2, Kagawa teaches that said information includes character information (col. 6 lines 14-44).

Referring to claim 5, the claim varies from claim 1 in that it claims a method rather than an apparatus. The apparatus of claim 1 could inherently be implemented as a series of method steps. Therefore, referring to claim 5, see rejection of claim 1 above.

Referring to claim 7, the claim varies from claim 1 in that it claims a computer program rather than an apparatus. The apparatus of claim 1 could inherently be implemented as a computer program causing a computer to execute a sequential method. Therefore, referring to claim 7, see rejection of claim 1 above.

***Claim Rejections - 35 USC § 103***

6) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7) Claims 3-4 and 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagawa, further in view of Miyakawa et al (U.S. Pat 6,223,092).

Referring to claim 3, Kagawa teaches the apparatus above. However, Kagawa does not explicitly teach that said first and second means are provided separately from one another, said apparatus further comprising a third means for sending said bug information from said first means to said second means.

Miyakawa teaches a design evaluation system which utilizes networked databases for collecting and recording information (col. 7 lines 25-52).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to separate the first and second means and send information between them in the invention taught by Kagawa since transmitting data to a remote location for storage is well known in the art and would allow the data to be accessed by multiple sources located anywhere on an attached network, which would increase system flexibility.

Referring to claim 4, Kagawa teaches an apparatus comprising first means for detecting whether a modification to a bug exceeds a pre-established criterion (col. 5 lines 22-39 and col. 8 lines 5-19), and second means for collecting and recording a bug information corresponding to said modification when said first means detects that said modification exceeds said pre-established criterion (col. 5 lines 15-21 and lines 41-56). However, Kagawa does not explicitly teach that said first and second means are provided separately from one another, said apparatus further comprising a third means for sending said bug information from said first means to said second means.

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Miyakawa teaches a design evaluation system which utilizes networked databases for collecting and recording information (col. 7 lines 25-52).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to separate the first and second means and send information between them in the invention taught by Kagawa since transmitting data to a remote location for storage is well known in the art and would allow the data to be accessed by multiple sources located anywhere on an attached network, which would increase system flexibility.

Referring to claim 6, the claim varies from claim 4 in that it claims a method rather than an apparatus. The apparatus of claim 4 could inherently be implemented as a series of method steps. Therefore, referring to claim 6, see rejection of claim 4 above.

Referring to claim 8, the claim varies from claim 4 in that it claims a computer program rather than an apparatus. The apparatus of claim 4 could inherently be implemented as a computer program causing a computer to execute a sequential method. Therefore, referring to claim 8, see rejection of claim 4 above.

### *Conclusion*

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shinohara et al (U.S. Pat 5,383,132) – teaches a design verification device.

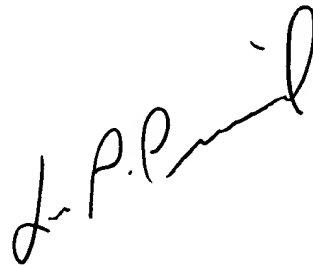
9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander J Kosowski whose telephone number is 703-305-3958. The examiner can normally be reached on Monday through Friday, alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703-308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. In addition, the examiner's RightFAX number is 703-746-8370.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Alexander J. Kosowski  
Patent Examiner  
Art Unit 2125

A handwritten signature in black ink, appearing to read "L. P. Picard", slanted upwards from left to right.

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100